

July 15, 2008

The Common Council met as the Water Utility Board at 7:0 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Beloit; Chief Waters; Comm. Maynard; Dave and Judy Whitten; Tim Hermes – Sitco; Rich Demarco - Johnson Controls, Inc.; Larry Williams; Jerry Walden; Ann Blackburn; Sis Claxton; Amy Moore – Mount Vernon Democrat; and Valerie Werkmeister – Posey County News. Arriving during the meeting was Bob Topper – Insight Communications.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented.

Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he will let Mr. Demarco of Johnson Controls, the project manager, give the Board an update.

Mr. Demarco approached the podium and reported they are on schedule thus far and materials are arriving daily and being inventoried. He then stated they are in the process of getting product approvals and letters of submittal. He continued by stating the temporary pumping station is progressing at the riverfront and hopefully the walls will be poured Friday. He added as far as the electrical work goes, it is progressing well also.

Chairman Curtis stated he is glad to hear the words “on schedule”, that is good. He then stated they are still looking at the property on Kimball that will be purchased for the street department to replace the property that the water department needs for their expansion, as well as that at the Infinity Molding site.

Attorney Higgins added the appraisers have had the information for several weeks now, but as of this afternoon, she has still not heard back from either of them. She stated she does not feel there are any issues per se; she needs to get them back.

Chairman Curtis stated in reference to CSX, he has talked to four or five different individuals and finally received an email back just recently.

Attorney Higgins added it appears to be a “go” on the water project portion of the track removal, though Supt. Gray received an email saying it wasn’t a “go”. She added she believes that they are getting different divisions of CSX when they make contact and that division may be “out of the loop”. She added they will continue to work on that, but for the water project portion of the track removal, it is a “go”.

Chairman Curtis reported the Board of Zoning Appeals at their meeting last week, granted the city’s request for a Special Use for the Kimball Street property for the new city garage building. He added they can now move forward with that purchase.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if Supt. Gray had a report ?  
Supt. Gray replied he has no report.  
Mayor Tucker asked if there were any questions ?  
There were none.

Mayor Tucker asked about the Financial Report.  
Clerk-Treasurer Wolfe replied she has not seen it yet.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?  
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins stated the only item she has is a follow up on the Sitco request from the last meeting. She continued by stating as the Board may recall, they did not want to grant Sitco's request to utilize the north tower until they heard from Mr. Weatherford that he definitely had no plans to use it. She stated she has received word from Mr. Weatherford and he is relinquishing his intent to use the north tower. As a result, Sitco would like to place one of their antennas on that tower.

Mr. Hermes stated they had discussed the electricity issue at the last meeting and it appears there is a meter box there, it just needs the meter to be installed.

Supt. Gray added he had not had time to check that out yet.

Mr. Hermes stated he feels the electricity is no big issue and he would like for the Board to make an addendum to their original agreement. He added he has had a lot of interest in the area and they need to get going on this. Attorney Higgins stated the first agreement was for a term of three years, renewable in three year terms thereafter.

Mr. Hermes stated the same terms would be agreeable for the north tower as that for the west tower. He added Sitco will pay the \$200 per year for electric, though the actual cost of the electricity will be nowhere near that. Board member Hoehn suggested they put in the agreement that Sitco will pay the higher of the \$200 per year, or the actual cost of the electricity. She added someone needs to get in touch with Vectren to get an idea of what the cost would actually be, perhaps Supt. Gray could do that.

Attorney Higgins agreed that was a good idea.

Bob Topper arrived at the meeting.

Board member Hoehn moved Sitco be permitted to use the north tower, and assume responsibility for the electricity costs including installation, either \$200 per year or the actual cost, whichever is greater, with the city receiving another wireless line. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?  
There was no response.

Mayor Tucker asked if there was any Old Business for considerations ?  
There was none.

Mayor Tucker asked if there was any New Business ?  
There was none.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

July 15, 2008

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Supt. Gray; Attorney Higgins; Chief Beloit; Chief Waters; Comm. Maynard; Dave and Judy Whitten; Rich Demarco - Johnson Controls, Inc.; Larry Williams; Jerry Walden; Ann Blackburn; Sis Claxton; Amy Moore – Mount Vernon Democrat; Valerie Werkmeister – Posey County News; Bob Topper – Insight Communications; and arriving during the meeting, Michelle Hudson and David Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Hoehn moved the reading of the minutes be waived and they be approved as presented.

Seconded by Councilwoman Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated while budgets are still fresh in everyone's mind, in an attempt to recover costs, he has been working with Clerk-Treasurer Wolfe as well as Prosecutor Uebelhack, on a way to get some more money in for fuel and overtime. He explained that when the police are called out for an intoxicated person, etc., if the person is too intoxicated, the jail will not take them until they have been checked by the hospital. He stated the officer then has to drive the person to the hospital for a medical clearance, which can take hours. He added someone then needs to be called in to cover for the officer that is at the hospital, not to mention the gas that is being used in transport. He stated they are going to try to start submitting restitution requests in an effort to recoup some of these costs.

Mayor Tucker asked if there were any questions ?

Councilwoman Higgins stated in reference to the 4<sup>th</sup> Street project again, there are double yellow lines at the turn intersection and people have to be in the right hand turn lane to go south. She added she almost hit someone there herself, not realizing that the person was going to turn.

Michelle Hudson and David Givens arrived at the meeting.

Chief Beloit replied he was not aware of that situation, this is the first he has heard of it, but he will take a look at it.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated the first item on the Legal portion of the Agenda is a public hearing on the St. Matthews alley vacation request.

Attorney Higgins added it was advertised for 7:30 and it is not 7:30 yet.

Clerk-Treasurer Wolfe added Item B. was advertised for 7:00 if they would like to take that up instead.

Mayor Tucker stated they will now have the public hearing on Additional Appropriations in the EDC Fund, which is to cover a Bose McKinney bill from last year.

Clerk-Treasurer Wolfe stated the first reading was passed back in March, and due to another EDC Additional Appropriation Ordinance, this one was inadvertently forgotten until now. She asked that it pass on all three readings if possible.

Attorney Higgins stated the bill is to cover errors that were made on the legal description of the property for the eastside annexation.

Mayor Tucker then opened the public hearing by asking if anyone in the audience wished to address the issue.

There was no response.

Mayor Tucker then closed the public hearing.

Councilman Curtis stated as they had discussed this bill for six months already, he moved the ordinance pass on second reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren moved the rules be suspended and the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion.

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-12.

Mayor Tucker stated the next item will be the public hearing on the St. Matthews alley vacation request. He asked if anyone in the audience wished to address the Council on this issue.

David Givens approached and stated he and Michelle Hudson are present representing St. Matthews Church and they are requesting two portions of two alleys be vacated. He added as the Council can see from the photograph, the church now owns that entire block and the reason for the request is mainly for safety reasons, as there are playgrounds surrounding the alleys in question. He added they have no plans to put up any permanent structures, maybe just removable barricades to block the alleys. He also stated he has heard no objections from

any of the adjacent property owners. He added all easements, etc. would remain in tact and unchanged. He asked if there were any questions ?

Bob Topper stated he is present representing Insight and Mr. Givens just answered his questions about the easements. He added Insight has no objections to the request.

Mayor Tucker stated if there were no further comments, he will now close the public hearing.

Attorney Higgins stated as this needs to be passed this evening, the ordinance will follow at the next meeting, tough passage can happen tonight.

Councilman Curtis moved the ordinance authorizing the St. Matthews alley vacation request be passed, with St. Matthews paying the advertising fee, and city preserving their lines. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilwoman Askren then moved the rules be suspended and the ordinance pass on second and third readings. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-13, passed at 7:42 p.m.

Mayor Tucker stated the final item for consideration is the ordinance authorizing the issuance of Tax Anticipation Warrants.

Attorney Higgins explained that though the Council authorized a loan of up to \$1.5M, Umbaugh, after doing their calculations and numerous phone calls with Clerk-Treasurer Wolfe, determined the city is capped at \$1.3M for their loan. She added they are capped based on the city tax levy, as they can not over borrow. She added the city funds will be paid back first and hopefully the warrants will be delivered July 23, 2008.

Councilwoman Askren moved the ordinance pass on first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Fuelling moved the rules be suspended. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Councilwoman Askren moved the ordinance pass on second and third readings. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.  
Clerk-Treasurer Wolfe added it will be numbered 08-14.

Mayor Tucker asked if there were any other Legals ?  
Attorney Higgins replied that is all she has.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?  
There was no response.

Mayor Tucker asked if there was any Old Business ?  
There was none.

Mayor Tucker asked if there was any New Business ?  
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he and Chief Beloit have been working on the parking problem at the high school. He then stated the concert Sunday night at the riverfront was excellent and he thanked Mayor Tucker for bring the group in. He added it was real received and there was good participation, he has also heard great comments.

Mayor Tucker added everyone worked together on that and when people work together, great things can happen. He added he appreciated Councilman Fuelling's comments.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis reminded everyone of the meeting tomorrow night at 7:00 p.m. at the Hovey House concerning the train noise in Lawrence Addition.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated his office is still working on dilapidated houses with 27 notices sent, nine removal/clean ups, and four hearing set. He added 14 owners have been contacted and are working with the city. He added they are also working on abandoned vehicles with 22 tagged and notices written; 24 removed by owners and two towed in.

Mayor Tucker continued his report by stating there will be a free paper shredding day on August 2 from 10:00 a.m. to 1:00 p.m. at the courthouse parking lot. He then stated if there was no further business, he entertains a motion to adjourn.

Councilwoman Hoehn moved the meeting be adjourned. Seconded by Councilman Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

